Sectt. II-27—45,006—19-10-39.

Home (1912) Department.

Ms SERIES.

G.O. No. 1747

Dated 14.5.42

[Despatch Abstract.]

Courts - Criminal - Establishment Temporary - South Kanara Udupi Taluk - Kaipadi Motor Car Murder case - Appointment of a Special Magistrate - Continuance

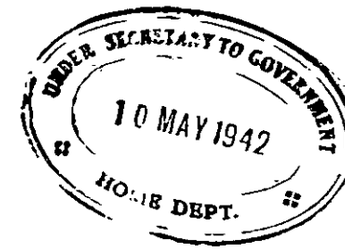
13385

Urgent.
R.O.C.230-42-M.

S.Kanara Dt.Magistrate's Office,
Camp: Udipi, 7th May 1942.

From

M. Karamatullah Esq.,I.C.S.,
Dt.Magistrate of South Kanara.



To

The Secretary to Government,
Home Department, Madras.

Sir,

Courts - Criminal - Establishment - Temporary - South Kanara - Udipi Taluk - Katpadi Motor Car Murder case - Preliminary enquiry - Appointment of a Special Magistrate- Further report submitted.

(T) G.O.No.Ms.282,Home Department,dated 22nd January 1942.

The Government in their order cited above accorded sanction to the employment in this district of one Deputy Tahsildar for a period of two months from the date of appointment to enable Sri H.Sunder Rau, Stationary Sub-Magistrate, Udipi, to be deputed as a Special Magistrate to conduct the preliminary enquiry in the Katpadi Motor Car Murder Case.

2. Sri H.Sunder Rau opened the Special Court on the forenoon of 16-3-42 and started the enquiry in the case. The period of the Special Court sanctioned in the Government order will therefore expire on 15-5-42.

3. The Special Magistrate now reports that the preliminary enquiry in the case could not be completed as expeditiously as expected for two reasons - firstly because the police were unable to get the witnesses in a regular flow and secondly because two of the defence Vakils cross-examined the witnesses at great length. He has, however, been able to examine 60 witnesses for the prosecution till 29.4.42 and 27 more remain to be examined. In the usual course the Special Magistrate must be able to close the Court before 15.5.42 but he expects one of the Vakils to examine about 30 witnesses for the defence in which case it will not be possible for the Special Magistrate to complete the enquiry within the period allowed in the Government order referred to above. It is not possible to say exactly how many witnesses will be examined by the defence

2 2

as the accused cannot be questioned in the matter before the prosecution closes. It is likely that some of the accused will examine witnesses for the defence in which case a further period of one month from 16.5.42 may be required for the disposal of the case. I, therefore, request that Government may be pleased to extend the sanction accorded in the G.O. referred to above for a further period of one month from 16-5-42 or until the case is disposed of by the Special Magistrate whichever is earlier. A

Sd. Karamatullah
7/5/42
Dt. Magistrate.

Copy to A.Section.
HR/7.5.

ASST SECRETARY TO GOVERNMENT
11 MAY 1942
FINANCE DEPARTMENT
A6341

Home Dept.

In the circumstances explained by the D.M this request at A above may be sanctioned. Finance may say whether they agree.

MM
11/5/42

11/5

Fin

Home No. 13385 D-1
11.5.42

Fin (E I)

The proposal of Home Dept: above may be accepted.

plp
11.5.42

11/5.42

DWD
12/5

Home

Home

UNDER SECRETARY TO GOVERNMENT
12 MAY 1942
HOME DEPT.

Telegram (Express)

P.C. Dept.

Collector Mangalore.

13385-D. Your letter [No. RO.] 230-42-M [dt.] 7th May [1942]. Special magistrate's term extended. Order follows.

Madras Home.

Telegram to be issued
MM 12.5
12/5/42.

12/5

Note: The original file has been called for from Govt. Office. Formal order may be issued on receipt of file.

MM

'5 /

C.F.17.

DRAFT FOR APPROVAL.

HOME DEPARTMENT

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		(T)

SUBJECT:—

Courts - Criminal - Establishment - Temporary - South Kanara - Udipi Taluk - Katpadi Motor car Murder Case - Apppintment of a Special Magistrate - Continuance - Sanctioned.

READ AGAIN G.O. No.282 Home, dated 22.1. 1942.

" " " " 19.

READ *ALSO*:—

4-2-4 C. No. 13385D From the D.M., South Kanara / Roc No. 250-42 dated 7.5. 1942.

" " " " " 19.

" " " " " 19.

Order / ~~Resolution~~ / ~~Route~~ No. 1747, dated 14/5/1942 19.

Issue today

Sanction is accorded to the continuance for a period of one month from the 16th May 1942 in the South Kanara district of the appointment of the Deputy Tahsildar sanctioned (T) in G.O. No.282, Home, dated 22.1.42 so that Sri H. Sundara Rao who was deputed as a special magistrate to conduct the preliminary enquiry in the Katpadi motor car murder case ~~sanctioned (T) in G.O. No.282 Home dated 22.1.42~~ may complete the enquiry.

The post should be abolished on 15.6.42 or as soon as the case is disposed of, whichever is earlier.

2. The expenditure should be debited to "27.g. Administration of Justice - Criminal courts - Stationary Sub-Magistrates - Bench magistrates - and other establishments - B.Pay of establishments - Voted or Authorised".

To the
Hon. the C.J. (with c.l.)
D.M., S. Kanara
A.G. thro' Fin Dept.
Copy to Bd. of Rev.

NOTE

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NOTE:

The sanction accorded to the appointment of the Special magistrate expires on 15.5.42 and there is hardly any time left to consult the High Court which, done usually. The High Court was consulted on the occasion when the appointment was first created. It does not seem necessary to consult the High Court now. Draft order above may be sent to Revenue for perusal before issue.

Ph
12/5

Q/14.5.

Rev. Rev C. No. 2. M-42
14.5.42

Rev. Dept.

To Secy.

The draft order may be
Acceptance and the file returned to
Home

Accepted
Rev
14.5.42

Ql
14-5-42

Home Home. Dept.

The draft may be issued.

Ph
14.5.

Q.
14/5